

Arlington Independent School District
Public Complaint Form
Level Four

Complete this form in accordance with District policy GF (LOCAL). Your complaint will be dismissed if it is submitted with incomplete information. Submit your Level Four complaint via email to HREmployeeRelations@aisd.net

1. Name DAVID L. JARVIS
2. Address & Telephone Number 500 Dorcas Lane, Arlington, TX 76013 (817) 991-7153
3. Provide the Level Three decision Attached - as Exhibit 3 to the Affidavit
8. Identify the date you received the Level Three decision 3-29-23
9. Attach a copy of the Level Three decision and specifically identify the part(s) of the Level Three decision that you factually or legally disagree with and want the Board of Trustees to review.


Dr. Cavazos refused to answer my questions. I asked if AISD has any policy or practice of providing guidance to teachers who are asked questions by students relating to same sex attraction, transgender issues or use of female restrooms and locker rooms by students born male, but now identify as female. I also asked if AISD requires or allows teachers to inform the student's parents about such questions. Dr. Cavazos stated that AISD does not answer hypothetical questions. He did not provide any authority to support his claim that AISD never answers hypothetical questions

10. Specifically state why you disagree with the part(s) of the Level Three decision that you identified in response to number 5 above.

I believe the statement "we don't answer hypothetical questions" is not true and used as a dodge to avoid disclosing what guidance AISD gives to teachers in these situations. AISD routinely proactively establishes policies that give guidance to their employees. His position does not make sense. If a principal called AISD and wanted to clarify his response to a hypothetical active shooter on campus - would AISD tell the principal to call back when he has an actual (not merely hypothetical) shooter on campus? Of course not !!

11. Attach the documents you relied upon at Level Three (if any) and explain how they support your position at response 5 and 6 above. Only those documents identified will be considered at Level Four.

Sworn affidavit, and attached to the affidavit are Exhibits 1, 2, and 3



Signature

4-11-23

Date Submitted

Name, address, and telephone and fax number of representative, if any, if not previously provided.

email djarvis1776@icloud.com

Sworn Affidavit (Appeal to Level 4)

The State of Texas

County of Tarrant

David L. Jarvis, of Arlington, Texas, personally came and appeared before me, the undersigned Notary Public, and makes this his statement, testimony and General Affidavit under oath or affirmation, in good faith, and under penalty of perjury, of sincere belief and personal knowledge that the following matters, facts, and things set forth are true and correct, to the best of his knowledge:

1. On 3-29-23, I received a decision letter denying my grievance signed by Level Three Hearing Officer AISD Superintendent Dr. Marcelo Cavazos. When Dr. Cavazos denied my grievance, he provided a new rationale that was inconsistent with the rationale provided by the Level One and Level Two hearing officers when they denied the same grievance. Level One and Two decision letters stated that answers to my questions could be found by searching through various AISD documents. In his decision letter, Dr. Cavazos made no reference to any AISD documents – but simply stated that AISD never answers hypothetical questions.
2. The basis of my grievance complaint has always been very simple. I have repeatedly asked several AISD officials and the AISD Board of Trustees (the Board) to tell me if AISD provides any sort of policy guidance to AISD teachers about how teachers should answer questions from students and how to handle the following four situations involving students:

- a) "I am transgender. I'm a girl, but I think I'm a boy. What should I do?" Or the reverse - "I'm a boy, but I think I'm a girl. What should I do?"
- b) Same sex attraction. "I think I'm same sex attracted. What should I do?"
- c) "I'm a boy, but I think I'm a girl. I would like to use the girls' restroom and locker room. Is that okay?"
- d) "What is AISD policy, as far as a teacher notifying parents about any of the above conversations with students?"

3. It should be noted that none of these questions ask AISD to produce documents or records. In my several emails to Dr. Michael Hill, Dr. Marcelo Cavazos, or to the Board – I only asked for answers to these questions. I also requested that the AISD Legal Office produce documents reflecting any AISD policy in these areas. The AISD Legal Office responded to me with the statement "... we can find no documents responsive to your request." Based on the refusal of Dr. Hill, Dr. Cavazos, and the Board (via emails) to provide answers to these questions, and the failure of the AISD Legal Office to produce any documents reflecting any written policy in these areas - I can only reasonably conclude that AISD has no written policy guidance in these four areas. Since AISD has no written policy to provide clear guidance to AISD teachers on how to handle the situations listed in paragraph two of this affidavit, I am left with only two possible explanations:

Possible Explanation #1 - AISD has decided to provide no policy guidance to teachers in these very sensitive areas and allow hundreds of AISD teachers to "fly blind" and use

their own independent judgment on how to best answer these sensitive and potentially controversial questions. For AISD to choose this irresponsible option seems highly improbable and unwise. Such a “no policy” course would demonstrate AISD’s complete failure to provide leadership and guidance to teachers and a total abandonment of AISD’s supervisory and management responsibility to provide clear and uniform policy guidance to all AISD teachers. AISD’s failure to provide consistent policy guidance to teachers would inevitably lead to chaos, as well as confusing and totally conflicting teacher-driven policies throughout AISD. Moreover, if AISD truly provides absolutely no policy guidance to their teachers in these areas, why did the Board not tell me that fact in response to my emails beginning in October of 2022? In the interest of honesty and transparency with the public, why would AISD and the Board not simply respond to my emails and grievances with a direct and honest answer and tell me that AISD provides no policy guidance to teachers in these areas?

4. **Possible Explanation #2:** - Since have no policy in this area would lead to confusion and contradictory outcomes throughout AISD, it is much more likely that AISD has an unwritten and unofficial (secret) policy regarding what guidance AISD gives to teachers needing answers to these four questions. For reasons explained later, this policy is concealed from parents and taxpayers. Based on my 9-15-22 conversation with Dr. Michael Hill, it appears that AISD is willfully concealing their unofficial, unwritten policy guidance to teachers in these four areas due to AISD concerns about potential negative public reaction to any official policy made available for public review and

evaluation. In prior affidavits submitted as part of my grievances on this matter, we have evidence in the record (my 9-15-22 conversation with Dr. Hill) which explains why AISD chose to ignore my emails and deny all my filed grievance complaints to date. If AISD has concealed any AISD policies from the public, AISD has willfully failed in their duty to always be honest and transparent with parents, taxpayers, and voters about their true policies. If AISD has engaged in this pattern of concealment, they have undermined public trust in the integrity of the Board. The Board has an absolute duty to publicly disclose all AISD policies and thus give the public (voters) both the notice and opportunity to review and evaluate all AISD policies.

5. On 9-15-22, I had an in-person conversation with AISD Assistant Superintendent Michael Hill prior to the start of a scheduled board meeting. I introduced myself to Dr. Hill and we had a revealing 20–25-minute conversation. We discussed the reason I was requesting answers to the questions listed above in paragraph two. During this conversation, Dr. Hill asked me what my end game or goal was in asking these questions. I informed Dr. Hill that I simply wanted to know if AISD supported parental rights. Dr. Hill responded, “I don’t think you know what you are asking.” I then asked Dr. Hill, “Tell me, Dr. Hill, what am I asking?” Dr. Hill then said, “Well, you don’t understand - you are asking us to pick sides.” I responded, “Yes, I am. If AISD is in favor of supporting parental rights, they should be willing to state that position publicly.” Dr. Hill then told me, “But if we pick sides, some people will get upset with

us.” Neither Dr. Hill nor anyone else at AISD has ever disputed the accuracy of this account of my 9-15-22 conversation with Dr. Hill.

6. My conversation with Dr. Hill confirmed my suspicions – that AISD refused to answer the questions listed in paragraph two due to AISD’s fear that providing honest answers would force AISD to pick sides with the result that some people will “get upset with AISD”. Prior to filing my first grievance on 11-9-22, I sent several emails to Dr. Michael Hill, Dr. Marcelo Cavazos, and eventually to the Board asking if AISD provided any policy guidance to teachers on how they should respond to these types of questions from students. I have also requested that the AISD Legal Office produce documents stating AISD policy guidance to teachers in these situations. The AISD Legal Office responded to me that they “could find no documents responsive to my request”. Based on the refusal of Dr. Hill, Dr. Cavazos, and the Board to respond in any manner to these questions, and the lack of responsive documents from the AISD Legal Office - I can only reasonably conclude that AISD has no written policy guidance in these four important and sensitive areas.
7. On 11-29-22, I attended a Level One grievance hearing before hearing officer Mr. Aaron Perales. A transcript of that hearing is attached as Grievant Exhibit One to this affidavit. Toward the top of page two of the transcript, I explained to Mr. Perales that I was asking AISD to answer my four listed questions. The focus of my grievance was clearly not about requesting documents from AISD. I told Mr. Perales that I was not interested in AISD producing documents that were non-responsive to my four

questions. On page two, I again told Mr. Perales that I cannot get anyone at any level (including the Board of Trustees) to answer these four questions. These questions are listed in paragraph two of this affidavit.

8. On 12-13-22, Mr. Perales issued his Level One decision letter on this grievance. On page two of this letter, Mr. Perales listed a section entitled “DECISION”. In this section, Mr. Perales listed the AISD Student Code of Conduct – which discussed in a very general way the responsibilities of students, parents, and school personnel. Nowhere in his decision letter does Mr. Perales make any effort to even attempt to address the four questions listed in my grievance. Although Mr. Perales refers to the AISD Student Code of Conduct – he never specifically identifies any parts of this document that might be relevant to even provide a “framework” useful in answering any of my four questions. In the last sentence of his decision letter, Mr. Perales also mischaracterized my grievance by concluding that AISD “provided a requisite response to your Public Information Act requests associated with the subject matter in your grievance.” My grievance has always been about my desire for answers to my four questions. None of the documents AISD produced were responsive to my request for answers to my questions – so how could Mr. Perales truthfully state that the documents provided a “requisite response” to my grievance?
9. On 1-18-23, I attended a Level Two grievance hearing before hearing officer Dr. Michael Hill. A transcript of that hearing is attached as Grievant Exhibit Two to this affidavit. On page two, I pointed out that Mr. Perales completely missed the target with

his Level One decision. Although I asked for honest and straightforward answers to my four questions – Mr. Perales chose to focus on all the non-responsive documents AISD provided to me. I again pointed out to Dr. Hill that Mr. Perales mischaracterized the nature of my grievance and specifically did not accurately describe what relief I was seeking – I wanted answers to questions, not the production of non-responsive documents.

10. On 1-27-23, Dr. Michael Hill issued his Level Two decision letter denying my grievance. On page one of Dr. Hill’s decision letter, he includes a section entitled “ADMINISTRATION’S POSITION”. In this section, AISD states that it is impossible for the District to have specific responses to each question that “might” be asked by a student. It is for this reason the District addresses each student’s situation or incident on a case-by-case basis, using the AISD Student Code of Conduct and Board policies as a framework. In the section of his decision letter entitled “DECISION”, Dr. Hill (like Mr. Perales before him) also referred to the AISD Student Code of Conduct which lists the general responsibilities of students, parents, and school personnel. As a grievance hearing officer, it is Dr. Hill’s responsibility to conduct a complete investigation before coming to any conclusion or issuing a decision letter. Dr. Hill apparently never carefully reviewed the AISD Student Code of Conduct. If he had reviewed this document, in his decision letter Dr. Hill could have easily and clearly explained what parts of this document (if any) might be relevant or helpful to provide a “framework” useful to AISD teachers seeking guidance in answering any of my four questions. To

give his decision letter credibility and practical value, Dr. Hill should have discussed what specific parts of the AISD Student Code of Conduct he found that provided useful guidance to teachers dealing with how to answer these four questions. Instead, Dr. Hill chose not to discuss or explain exactly how the AISD Student Code of Conduct would provide a useful “framework” to AISD teachers needing guidance on how they should answer these four questions. I have reviewed the documents AISD provided to me – none of these documents provide responses to my four questions. Inexplicably, Dr. Hill wrongly concluded in his decision letter that “The District believes that this (document) response answers the four questions posed by the Grievant.” Not surprisingly, Dr. Hill has provided no factual basis to support this false conclusion.

11. On 3-8-23, AISD Superintendent Dr. Marcelo Cavazos conducted a Level Three grievance hearing. Since both my Level One and Level Two hearings on this grievance were tape recorded by the respective hearing officers, I expected this Level Three hearing to be recorded. However, for some unexplained reason – Dr. Cavazos informed me that AISD does not record Level Three hearings. I did not bring a recorder, so I do not have a recording and transcript available for this hearing. At this hearing, Dr. Cavazos asked me if I had an actual student and teacher asking these four questions – or were my four questions simply hypothetical questions? When I responded that the questions were hypothetical – Dr. Cavazos informed me that AISD never answers hypothetical questions.

12. On 3-29-23, Dr. Cavazos issued a decision letter for his Level Three grievance hearing on 3-8-23. A copy of this decision letter is attached to this affidavit as Grievant Exhibit Three. In his decision letter denying my grievance, Dr. Cavazos stated that “without specific facts AISD cannot answer your hypothetical scenarios – because all such situations are fact-driven”. Dr. Cavazos also stated that “without the nuances of a specific instance no answer can be provided as to how an employee would or should professionally handle a particular situation.”
13. The leadership of AISD, including the Board of Trustees, has developed and approved written AISD policies to cover a multitude of issues. In most large organizations (government, private companies, or military), standard operating procedures (SOP) are routinely established to provide necessary general guidance for employees to cover most situations. These policies are important so that the organization can develop and enforce consistent policy compliance by all members of the organization. However, at times the policy/SOP will need to be tweaked or adjusted to properly respond to unique factual situations. For these reasons, I agree with Dr. Cavazos that tweaks or adjustments will at times be needed – but I disagree with Dr. Cavazos position that AISD cannot be proactive and develop some basic policies informing AISD employees how they would and should professionally handle a particular situation.
14. Effective leadership and employee management requires AISD to be proactive and set up general policies and procedures. When reviewing the AISD District Employee Handbook, I noted that AISD proactively sets up standards for all employees. In other

words, AISD does not wait for an actual employee issue to develop before setting up standard policies for all employees to follow. AISD proactively sets up employee conduct policies, because AISD knows from a sound management standpoint that it is vital to clearly communicate and provide general guidelines to all employees “how an employee would or should professionally handle a particular situation.” Dr. Cavazos states that “without the nuances of a specific instance no answer can be provided as to how an employee would or should professionally handle the particular situation.”

15. Contrary to Dr. Cavazos’ position, AISD has engaged in sound personnel management by establishing written policies that proactively give clear guidance on acceptable employee conduct. AISD has proactively established and communicated these policy guidelines to their employees. AISD has not waited to be informed about the “nuances of a specific instance” to provide answers and guidance to their employees. Examples of such proactive written polices include specific prohibitions against certain conduct by AISD employees in the areas of discrimination, harassment and retaliation, inappropriate social relationships with students, and reporting suspected child abuse. These proactive AISD policies are just a few examples of AISD giving their employees clear policy guidance to inform employees how they could and should professionally handle situations. AISD is rightfully “proactive” in these situations so AISD can hopefully proactively set clear employee conduct standards now so AISD can avoid or at least minimize employee misconduct issues in the future.

16. Sound policy is developed by thinking through and incorporating various hypothetical situations into AISD policies. It is logical and reasonable that hypothetical situations based on real life experiences at AISD and other school districts should be incorporated into AISD policies. Answers to such hypothetical situations will necessarily play a vital role in AISD policy development. For Dr. Cavazos to unequivocally state that “AISD does not answer hypothetical questions” makes no sense to me and is not consistent with the current proactive personnel management practices within AISD.
17. Effective school security is yet another area with a need for AISD proactive policies based on hypothetical scenarios. For example, an AISD school principal might contact AISD leadership and ask to meet with them to proactively discuss or clarify procedures the principal should follow when dealing with a hypothetical future active shooter on campus. Is Dr. Cavazos seriously suggesting that AISD would refuse to discuss or clarify any such hypothetical security procedures with the principal - and instead tell the principal to call AISD back when he has an actual active shooter on campus?
18. Another concern is the likely real-world consequences of AISD refusing to at least provide some general preliminary guidance to teachers, school counselors or other AISD employees. Teachers and school counselors are the front time employees most likely to be approached by students with these sorts of sensitive, sex and gender related issues. It is clearly the responsibility of AISD to provide general policy guidance to teachers in this area. Without policy guidance, AISD is forcing every teacher to make up their own subjective rules without AISD guidance. AISD should never wrongly and

recklessly delegate their leadership responsibility and by default require each AISD teacher and counselor (or other AISD employees) to set their own policy and respond to these questions as each individual teacher/counselor deems appropriate. This lack of clear direction from AISD leadership will lead to inconsistent outcomes and confusion among AISD employees. Such dereliction of duty by AISD represents a stunning failure of leadership by Dr. Cavazos (and potentially by the Board if you deny this grievance and embrace his position that AISD never answers hypothetical questions).

19. Another vital reason for some general policy guidance in this area is AISD's responsibility to be transparent with the public about how AISD had decided to handle these situations. Some preliminary basic questions that should be addressed by AISD: Should AISD even permit teachers/counselors to offer advice or guidance to students asking these sorts of questions – or should teachers be advised to not answer such questions or get involved in these conversations? Without guidance from AISD, different teachers are now equally free to share their own personal moral beliefs – and thus either affirm or discourage a student considering becoming transgender. Although each situation is different – what general factors are considered by AISD in determining if boys born male and who now identify as female are allowed to use the restrooms and locker rooms of girls born female? What general factors are considered by AISD in deciding whether a teacher may notify a student's parents if a teacher is asked these sorts of questions about gender identity, same sex attraction and rest room and locker room use?

20. If AISD refuses to take a public position about the need for parental notification and to protect parental rights in these situations – AISD is in fact taking a position (ie. “picking sides”). AISD’s refusal to act and provide guidance to teachers is establishing a policy of concealment in this area. Failure to establish clear policy guidance to teachers sends a strong message to AISD parents that AISD thinks parents do not have a right to know about their own children asking these questions. Is AISD comfortable sending that message that AISD does not think parents can be trusted with this type of sensitive information about their own children?

21. The Board of Trustees is at a critical crossroads in deciding how to handle this Level Four grievance. As I see it, AISD basically has three main options:

- a) confirm that AISD provides no policy guidance to teachers and counselors in these situations, deny to the public that AISD has any supervisory or leadership responsibility to provide consistent policy guidance to teachers – and thereby forces teachers to independently make potentially inconsistent and contradictory decisions about how to handle these questions and conversations.
- b) continue with what appears to be an unofficial secret policy of providing unofficial and unwritten guidance to teachers as needed who ask for such guidance in answering such questions. However, to avoid the possibility of upsetting some people and potentially causing any negative public

reaction – this policy remains concealed from AISD parents, taxpayers, and voters.

- c) AISD chooses to alter course and become fully transparent and discloses to AISD parents, taxpayers and voters any written policy guidance AISD gives to teachers and counselors needing help on how to answer these four questions (and other similar sensitive questions)

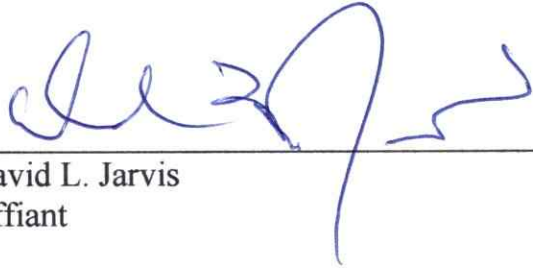
22. The Board of Trustees is at an important crossroads. I urge the Board to choose the path of honesty, transparency, and full public disclosure of all AISD policies. This choice will promote public respect for the Board and would be consistent with the Board's public and noble claim on your own website that "we see ourselves as guardians of the public trust." However, if you deny this grievance - you will surely undermine public confidence in the honesty and integrity of the AISD Board of Trustees. The choice is yours. Please choose wisely.

23. If the AISD Board of Trustees, the Superintendent or any Hearing Officer believes any statements in this affidavit are not accurate or incomplete, please inform me and I will take appropriate action as needed to revise this affidavit.

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All statements made are of my own knowledge and are true and correct.

Dated and executed this 11th day of April 2023.



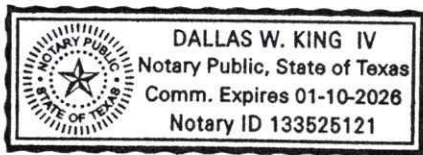
David L. Jarvis
Affiant

The State of Texas

County of Tarrant

Before me, Dallas W. King IV, Notary Public, on this day personally appeared David L. Jarvis, known to me to be the person whose name is subscribed to the foregoing sworn affidavit under penalty of perjury, and acknowledged to me that they voluntarily executed this affidavit.

Given under my hand and official seal this day, April 11, 2023.



Dallas W. King IV, Notary Public, State of Texas
My commission expires: 01-10-2026

Transcript – AISD Grievance Hearing – 11-29-22
David Jarvis

Aaron Perales: Okay, we'll begin the Level One Grievance Conference for Mr. David Jarvis.

For the record, my name is Aaron Perales. I'm the Executive Director of Engagement, Equity, and Access for Arlington AISD. I will serve as the Grievance Level One Hearing Officer.

Today's date is Tuesday, November 29, 2022. The time is 10:35 a.m. For the record, let's begin by introducing ourselves if you'd like to introduce yourself. I'll give you an opportunity not to introduce yourself as well.

David Jarvis: My name is David Jarvis.

Aaron: Okay. You're the community member that is providing the grievance.

David: That's correct.

Aaron: Okay.

David's Brother: And I'm his brother sitting in...Stan Jarvis.

Aaron: Okay, welcome to you both. All right, so before we get into the presentation of the grievance, I'll make a few preliminary remarks regarding the procedures that will be followed. Because this is a grievance conference, there are no formal rules of evidence and procedure. However, the conference will proceed as follows. Everyone is expected to show common courtesy and civility. No one will talk over the other so that the audio recording can be clear for the record, as the hearing officer, I may interrupt to ask a question, impose a time limit, or call the meeting back to order. I also may interrupt you to ask the person to speak louder or to repeat a question or statement so that the hearing record will be accurate and complete. I may ask questions that I think are relevant and are likely to help clarify an issue for me as the hearing officer.

As I stated earlier, we will devote up to 15 minutes for this conference. Are there any questions about the procedures for the conference before you begin with your presentation?

David: So, you say 15 minutes, starting with when I start talking?

Aaron: Yes, sir. Yes, sir. All right. So, other than that question, would you like to begin?

David: I would, yes.

Aaron: Okay.

David: All right, for the record, I would like to offer into evidence the exhibits that have been marked as AISD-HE-1 through AISD-HE-7, with today's date 11-29-22. So, are those part of the record now, Mr. Perales?

Aaron: Yes, they are.

David: My name is David Jarvis. My email address is djarvis1776@icloud.com. My phone number phone is 817-991-7153. The main reason I'm here today is because I've asked the school district to answer four questions that are set out in the grievance complaint form, and also in the affidavit that I've submitted.

The four questions basically deal with sexual issues. I'm asking the school district to answer questions about what policy guidance, if any, they give to teachers of the school district if a teacher is approached by a student and asked one of the following questions:

1. "I am a transgender, I'm a girl but I think I'm a boy. What should I do?"
Or the reverse, "I'm a boy but I think I'm a girl."
2. Same-sex attraction. "I think I'm same-sex attracted. What should I do?"
3. "I'm a boy, but I think I'm a girl. I would like to use the girl's restroom and locker room. Is that, okay?"

4. "What is AISD policy, as far the teacher notifying parents about these conversations?"

I cannot get anyone at any level, including the Board of Trustees to answer any of those questions. They won't answer the question with "Yes, we have a policy, and this is it..." or "No, we don't have a policy." And so, I'm left with the third option – which is no response.

So they have chosen to not respond to questions that I think are vital and in the interests of both the parents and taxpayers of this district. If they have no policy, they should say it. But if they say we have no policy -- of course then, that would be poor management, poor direction for the teachers who I think are entitled to some direction and guidance.

If they say "Yes, we do have a policy." Then they're obligated to share that, and they don't want to share that for whatever reason - or the third option is they don't respond at all. I think the lack of response shows a lack of trust in the people of this district - parents and taxpayers included.

Trust is a two-way street. By not responding to any of these questions, AISD is basically saying, (and I'll get into this a little more detail later) -- "Trust us. We're the school board, we're the trustees, you can trust us - but we're not going to tell you what we're doing. We're not going to tell you what our policy is in these areas."

So trust is a two-way street. You're asking the taxpayers and parents to trust you, but you don't trust the parents and taxpayers to share with us what you're doing and what your policies are. Trust, I believe is built on truth and transparency. The lack of response to these four questions shows neither one. There's no trust in the people of this district, or the taxpayers, including the parents.

Now, having said that, those are the main points. I didn't want to run out of time, so I've identified in my affidavit, three people as DE-1, DE-2, DE-3. Those initials stand for "District Employee-1, District Employee-2, and District Employee-3. I'm going to tell you on the record the actual names of those people. If those names are redacted later in the transcript, then people can contact me. I will tell you the names of these three people.

Just moving along to page three of the affidavit. On 9-15-22, I emailed Mr. Perales, asking for answers to the four questions. I later emailed Dr. Hill, Mr. Perales' supervisor, and I couldn't get answers to any of the questions. I attended a board meeting on 9-15-22. The board meeting started late. During the delay, I introduced myself to Dr. Hill. During our conversation, Dr. Hill asked me was I thought was a great question. He said, "What's your end-game, what's your goal? What are you looking for?", or words to that effect. I said, "Well, Dr. Hill, "I want to know if you support parental rights." Dr. Hill responded, "I don't think you know what you're asking." I asked Dr. Hill to explain. Dr. Hill then said, "Well, you don't understand - you're asking us to pick sides." And I replied, "Yes, I am." I told Dr. Hill if AISD was in favor of supporting parental rights, AISD should be willing that state that position publicly. Dr. Hill responded, "But if we pick sides, some people will get upset at us." And you'll see later with the conversations with board member trustee, I see this same pattern of AISD being overly concerned about public reaction to what you're doing.

Aaron: So, board trustee Mr. Hibbs.

David: Yeah. John Hibbs. And I'll get to that later. Okay, so, but I appreciated Dr. Hill's candor. And basically, I'm not surprised because people in a public position don't want to create controversy. But I don't think the answer to avoiding controversy is concealing what you're doing, and I think that's what's happening. Again, trust the people. Don't ask them to follow you blindly. On 10-18-22, I attended a board meeting and asked the board members to intervene and answer these four questions. Again, they refused to answer - if there's policy guidance (for teachers), simply answer - yes or no. The Board again refused to answer my four questions in the days following the Oct 18 board meeting.

So, I'm left with one of three options - that AISD has chosen to give no guidance at all to your teachers—and I just can't believe that the Board of Trustees has taken that position. I think they're responsible, mature, good people and they're not going to leave teachers hanging and "flying blind" in those sensitive situations. So, I think there is a policy, but they don't want to tell me what it is because, I guess they feel like, probably the public doesn't have a right to know what the policy is - and they don't have any obligation to share that information with the public. I disagree - but we'll find out who's right at some point.

Paragraph 11, on page four, I talked about Mr. Hibbs, John Hibbs. Thankfully, after I sent an email to the board on 10-19-22, saying "Let's meet, let's talk. Let's work this out." Mr. Hibbs, to his credit, responded. Mr. Hibbs was the only one of the trustees to respond to my email. What Mr. Hibbs talked about is basically on page five of the affidavit. I said to Mr. Hibbs, "Identify the written policies you are referring to in your email, paragraph 12." And he... this recurring theme, paragraphs 13 and 14, he answers, "We want to ensure we don't bring harm to our district and our community". And I then asked Mr. Hibbs in another email, "How can truthful answers to these four questions potentially bring harm to AISD or the City of Arlington?"

And Mr. Hibbs then talked about people with agendas and again he just vaguely talked about "our policies (paragraph 15, page five) are written to allow for flexibility." And he talked, again, in a very vague general way. "Our employees are trained to basically contact their chain of command to gain further clarification." I then asked Mr. Hibbs "What further clarification should a teacher seek when facing these questions?" In paragraph 16, page six, I also asked Mr. Hibbs to identify what specific AISD policies allow for this flexibility. I also asked Mr. Hibbs "What factors does AISD campus and AISD central administration consider when giving further clarification to teachers?"

In paragraph 17, Mr. Hibbs responded "Well, all our code of conduct and policies are online. It can be obtained." And he again, mentioned the issue of the safety of the students and made a general reference to the code of conduct without telling me where in the code of conduct deals with these issues. Mr. Hibbs' vague answers were not helpful, and I think Mr. Hibbs knows that. I thank Mr. Hibbs. I'm appreciative of his efforts, but he just talked vaguely about policies without identifying the policies. So, he's not really answering the questions.

As I talked about in paragraph 19, you asked us to trust you, the Board of Trustees – "But if the code of conduct and these policies are correct and responsive answers to these four questions, why didn't the Board of Trustees originally answer these four questions in that manner?" Why didn't they say, "Well, it's all in the code of conduct." The Board didn't do that, they ignored the questions and I think showed a lack of humility and trust in the people in this district, by not even showing the courtesy of saying something. It (the Board's position) is troubling to me."

So I filed a complaint, and in the affidavit on page seven, I talked about violations of the Texas Education Code and the Family Code. One of the things on page seven, paragraph 22, exhibit six, the Education Code talks about parental rights and responsibilities that talk about parents or partners. This is part of the state law and yet this school board doesn't treat them as partners.

If they're partners, then you share information with your partner. If you trust somebody just end up in a friendship or family situation or at work, if you're having a conversation, you ask this person a question with courtesy and the person just stares at you, or worse, changes the subject. How does that build trust? It doesn't. That causes you to think why isn't this person being honest with me? Why aren't they answering my questions? We can disagree about what the right answer might be, but to just stare at the person, and that's what I'm getting from the school board, they're just staring at me with their lack of response.

The school district is certainly not treating parents as partners. Top of page eight on the affidavit, I think, again, it talks about the Board of Trustees may not limit parental rights. I think you are limiting parental rights by concealing your policy guidance to teachers facing these questions. I think you do have a policy, otherwise, you would answer, I'm talking about you personally, but the Board of Trustees. If the Board of Trustees did not have a policy, they would say that. No, we have no policy, it's just the wild west out there, every teacher decides on their own, subjectively what to do. Whether the teacher sends the student to a counselor... I mean, they're basically three options: (1) the teacher says, "Hey, I'm a teacher. I'm not a social worker. I'm not a psychiatrist. And no, I'm not going to get involved;" or (2) they can do something more affirming, gender affirming would be the culture now – like referring the student to a counselor;

or (3) the teacher can seek guidance from someone. And I think they do seek guidance, but the school district won't tell me what guidance the school district gives to their teachers. But one of the key questions is, do the teachers notify their parents? Okay. I think the school district has an obligation to say, "Well, it depends." Okay. Great, tell me what it depends on - what factors does the school district consider in deciding whether to keep the parents in the loop or exclude the parents?

I think that gets to this part of the Education Code that states that the Board of Trustees (top of page eight), may not limit parental rights. I think that's exactly what the school district is doing, you're limiting parental rights by keeping the parents in the dark about a son who thinks he's a girl or a daughter who thinks she's a boy or any of these other issues. The Texas Family Code (on page eight) talks about directing the moral and religious training of the child. That is the parent's responsibility. These four questions involve moral and religious issues. Gender and sexuality are moral and religious issues, but they're excluding the parents and the taxpayers. Section 151.001 sub. 10, states that parents have a right to make decisions concerning a child's education.

And then Section 151.003, of the Family Code states that the school may not violate parental rights. Page eight of the affidavit states that a state agency may not adopt rules or policy that violates the fundamental right and duty of a parent to direct the upbringing of that parent's child. How much more fundamental right and duty does parent have to direct the upbringing of their own son or daughter about their child's own gender? And yet, the school district keeps parents in the dark, I guess. But the school district does not have the courage to say, "Listen, this is our policy. You can agree or disagree with it, but we're not going to hide or run from it. This is our policy. This is what we tell our teachers rightly or wrongly. This is our collective judgment as the best course."

But the district will not answer at all. Several times in paragraph 24, page nine, Dr. Hill and Mr. Hibbs raised concerns about negative community reaction. I think that's wrong-headed. It's not wrong-headed, and their hearts are in the right place. Obviously, you don't want to do anything that's going to create unnecessary controversy, or problems in the community. But the main thing, you do the right thing. Do the right thing and be transparent about it. Paragraph 25, the board website says, we're "guardians of the public trust." How can that be true for the Board of Trustees to be a guardian of the public trust when the Board clearly does not trust the public? You don't trust the parents with the truth and transparency. So that seems kind of hollow to me.

And lastly, if there's anything in this affidavit or anything I have said during this hearing that's inaccurate, I'd welcome Dr. Hill and Mr. Hibbs to come in here. And if they want to add to the record, correct anything I may have missaid about them in my affidavit, then I would encourage them to do that.

Do you have any questions for me, Mr. Perales?

Aaron: Just one question, for the record, in the responses that you receive from the various persons in the school district, did you held communication with... Have your questions been answered in your opinion?

David: No.

Aaron: Okay.

David: I think, let me be fair. The only person I really asked a question of... Well, I had that conversation with Dr. Hill, and when he said you're asking us to pick sides. So anyway, I don't know if you'd characterize that as asking Dr. Hill questions or not. I was mainly answering his questions. But I really appreciate Board Member Hibbs' efforts to try to engage with me.

But his answers were so general and so vague without pointing at, well, where in the code of conduct do you address this thing about guidance to teachers about these sensitive issues? I couldn't find it if it's there. And then when he talks about, we've got policies, they're all online. And I asked him to identify which specific policy are you referring to when you say you have policies that deal with these issues, he didn't respond. So, no, I don't think Mr. Hibbs was responsive.

Aaron: Okay. Thank you. And final question, and you've alluded to this through the documentation and throughout the hearing, this morning is specifically for the record, what is the relief that you request from this grievance?

David: The relief I'm requesting is what I've said all along. And I've said this to the board as I started with you, as you know, and then I went to Dr. Hill, then to the Superintendent, then to the board. At every level, I was saying, I don't want to escalate this, I don't want to go higher. All I want from the school district, particularly the Board of Trustees, is the truth. I want transparency and I want disclosure. You're elected officials. Well, you aren't, but I mean you know what I mean, you're all paid by the school district, paid by the public taxpayer funds. And even if you weren't, I mean, you are people of integrity, I believe that, but part of your responsibility, I think, is to be transparent, okay?

And so, the relief I'm asking for is transparency and honesty - and I'm not saying these people are dishonest. I'm just saying, as I said in front of the board in the last, I guess, it was earlier this month, have the courage of your convictions. If you believe this is our policy and to Mr. Hibbs' credit, he said we've got policies that allow for flexibility. Well, great but what factors do you consider when deciding whether to notify a parent? Well, it depends. Okay, that's okay. Mr. Hibbs told me at one point that I want absolute answers. I'm not after absolute answers. Life is complicated. I get that. Okay. But on parental notification, what factors do you consider under this situation, we would notify the parent. On the other hand, if we have evidence of such and such over here, we won't. All right?

So you've got your built-in flexibility there. But you're transparent with the taxpayers and parents. I am asking for transparency, and I'm just not getting it.

Aaron: Can you clarify transparency regarding what?

David: Well, regarding, do you have policy guidance to teachers in this district, about how the teachers should handle these following four situations, it's in the grievance, it's in my affidavit, and I can't get an answer, it's in my emails, right?

So I just want them to say one of the following: (1) "Okay, we don't have a policy," which I just don't believe that. You are good people, you're responsible, you are good managers, and you just wouldn't let teachers just fly blind like that. So, I just don't think "no policy" is a realistic option. So, the only two options left are: (2) we choose not to have a written policy; and (3) we are not going to publicly disclose our unwritten policy – we are not going to tell you what it is. That's where we are now.

I recently submitted a request for documents to the AISD Legal Office. In my request, I asked for disclosure of AISD policy in two of those situations, like the transgender or the parental notification. And the answer I received from the Legal Office was - "We can find no documents responsive to your request." So, I think what we've got here is an unwritten unofficial policy -- that I don't know what it is.

You guys are good, you're professional. I don't believe you would leave a teacher hanging. I believe the teachers are going to go through the chain of command and talk to the principal. What should I do? And then principal discusses the situation with more senior school district officials...then, boom, boom, boom, you (the school district) will work it out. So, under these facts, here's what I think you need to do. Okay, that's the policy, or what I'm asking, what factors do you consider about ...do we tell the parents? That's the big one. Do we tell the parents or not? Under these situations, we would tell them. Under the other factors over here, we would not tell them and here's why.

But just be honest and transparent about what your policy is, and I'm not at all as Mr. Hibbs says, well, you're asking for absolute answers, I'm not. Every fact, every situation, every student is different, but you've got to have certain factors you work through to come to a decision point. And I can't even get that.

Aaron: Okay. Well, that concludes the questions that I have for you, this morning Mr. Jarvis. And so this will conclude the level one grievance conference. As far as procedure protocol for the next steps. I'll reach a decision in the next 10 school business days, in accordance with policy GF local.

And so thank you for attending the conference. Thank you for bringing this concern to us, and we appreciate your assistance and cooperation. And I conclude the conference.

David: Okay. So, there'd be a written...

Aaron: There will be a written response and you'll be notified in writing by letter and protocol.

David: Okay. How about a transcript of the recording?

Aaron: Yes, we can make a transcript of the recording.

David: Perfect. All right. Thank you so much. Appreciate it.

Aaron: The time is 10:56, perfect.

[END]

Transcript – Grievance Hearing (Level Two - Hill) – 1-18-23 David Jarvis
On 2-6-23, tape transcript edited (for clarity and brevity)

Hill: All right. We will now begin the Level Two grievance conference for Mr. David Jarvis. For the record, my name is Michael Hill. I'm Assistant Superintendent for Administration, and I will serve as a hearing officer. Today's date is Wednesday, January 18th, 2023, and the time is 9:35 AM. For the record, let's begin by introducing ourselves and I'll start in this direction here with my immediate right. State your name and your position or your role here in the grievance hearing.

Jarvis: Yes, sir. My name is David Jarvis. I'm the person who filed the grievance.

Hill: Okay.

Saunders: I'm Buddy Saunders, and I'm here as a taxpayer and citizen observer. I live here in Arlington 1309 Hillary Lane.

Hill: Thank you much. Before we begin the presentation of the grievance, I'll make a few preliminary remarks regarding the procedures that will be followed. Because this is a grievance conference, there are no formal rules of evidence or procedure. However, the conference will proceed as follows. Everyone is expected to show common courtesy and civility. Only one person may speak at a time so that the audio recording can be clear for the record. No one is to interrupt another speaker. However, as a hearing officer, I may need to interrupt to ask a question, impose a time limit or call the meeting back to order. I may interrupt the speaker to ask a person to speak louder or to repeat a question or a statement so that the hearing record will be accurate and complete. Everyone offering information about the grievance should be truthful and candid.

I may ask questions that I think are relevant or likely to help clarify an issue for me. Any questions or objections should be directed to me for consideration. There should not be any cross-examination between the parties. First, Mr. Jarvis will be asked to present his grievance. After that, Mr. Jarvis will be given a few minutes to summarize the relief that he seeks. After that summary, the only remaining task will be to make sure any documents presented to me as a hearing officer are in order, and that I have a complete set of those documents submitted to me for consideration. Any questions about the proceedings before we begin?

Jarvis: My statement requesting recusal will not count against my time?

Hill: Absolutely.

Jarvis: Yeah, I'm good. Okay. No questions.

Hill: Okay. Mr. Jarvis, you may now begin your presentation. We'll start with the 20-minute limit, and we'll take it from there.

Jarvis: All right. Thank you. Thank you, Dr. Hill. First, before I get into the substance of my presentation, I wanted to re-urge my request for Dr. Hill's recusal. I have exchanged emails with attorney Eichelbaum and Mr. Kahl, Assistant Superintendent for Human Resources. Basically, I've requested that Dr. Hill be recused (removed from serving as hearing officer for this grievance). In an email to Mr. Kahl, I summarized the basis of my recusal request – that Dr. Hill is too deeply involved in this matter. When I filed my first affidavit in support of this grievance, I identified Dr. Hill in my Level One complaint affidavit as DE 2, which would be “District Employee 2” as referenced in paragraphs 6, 7, and 24 of that affidavit. In that affidavit, I pointed out that Dr. Hill in a conversation with me. Prior to a board meeting on 9-15-22, during this conversation, Dr. Hill asked me “What is your endgame, what is your goal, what are you looking for?” And I responded, “I just want to know if this district supports parental rights.” Dr. Hill replied that he couldn't answer these types of questions because if we (the school district) disclosed our policy guidance to teachers - that would mean that the district would end up picking sides. And if AISD picks a side, some people would get upset with us, or words to that effect.

These comments, I believe, and again, I am not questioning Dr. Hill's integrity, his character, or sense of fairness -- I just think that to an objective observer, there is an appearance of impropriety here because Dr. Hill has basically already stated that he holds the school district's position – which is, they're not going to answer my questions. He made these statements during our 9-15-22 conversation, and I appreciated his candor. But because of that, I just don't see how Dr. Hill can be fair and impartial since he's basically already adopted the position of the school district before he has even heard and considered my grievance. The school district's position is that they are not going to answer any of my questions. So, for those reasons, I requested the recusal of Dr. Hill. Mr. Kahl, the Assistant Superintendent for Human Resources has considered my concerns and has refused to replace you, Dr. Hill. That's fine. That's his call. All right. So, I just wanted to put that on the record.

Hill: Okay.

Jarvis: Okay. Good. So let me jump in here and make the presentation. Basically, the reason I'm appealing this is because Mr. Aaron Perales, the original Level One hearing officer, again strikes me as a fair-minded man. He was very courteous and professional throughout the entire proceeding. But for whatever reason, Mr. Perales completely missed the target on the grievance. I am specifically referring to the decision letter that was issued and signed by Mr. Perales on 12-13-22. On page 2, Mr. Perales accurately stated the relief I sought. I want honest and straightforward answers to the four simple questions that I put to the school district in my emails and later in this grievance. In the “Administration's Position” section of his letter, Mr. Perales referred to all the documents that the administration provided (to me). I don't dispute the number of documents that AISD has provided to me. But I'm not asking for

documents - I'm asking for answers. So the wording of the decision letter was very confusing to me. In the last paragraph of his decision letter, Mr. Perales said that "after a careful review of the concerns and issues" ...he stated that "the school district has provided a requisite response to your Public Information Act requests associated with the subject matter in your grievance. The District has no additional responsive documents to your request, therefore your grievance is denied."

Jarvis: Well, again, I'm not asking for documents, I'm asking for answers. So, Mr. Perales mischaracterized what I was asking for. Mr. Perales answered a question that was not before him. My request was - I need answers to my questions. Mr. Perales said, well, you have all the documents that are available. So, it was just kind of unbelievable that he was that far "off target" because he seems like a very intelligent guy. I don't know what is going on there. Anyway, jumping into my appeal, the affidavit supporting my Level Two appeal was signed on January 3, 2023. Of course, I am not going to read it. I am going over the affidavit for the record in the event somebody who might be listening to this tape is also reviewing the affidavit.

Jarvis: The four questions that I want to know – is AISD providing any policy guidance to teachers? If a student comes up to a teacher and says, one of the 4 things: I am transgender - I'm a girl, but I think I'm a boy, what should I do? Or the reverse, I'm a boy, but I think I'm a girl. What should I do? I'm same sex attracted, I think, what should I do? I'm a boy, but I think I'm a girl. I would like to use the girls' restroom and locker room - is that okay? And lastly, what is AISD policy, district policy as far as notifying parents about any of these statements or conversations between students and teachers? Simple questions, simple answers.

Throughout this entire process, I followed the chain of command. First, I reached out to Mr. Perales, then to you, then (if necessary) to the Superintendent, and finally to the Board of Trustees. Throughout the entire process, long before I filed the grievance, everyone ignored my emails - and refused to answer my questions. I guess they have the right to do that, but it doesn't seem honest or transparent for the school district to refuse to answer those questions. And that's why we're here. As I state on page 2 of my affidavit dated 1-3-23 - there are only two explanations. There may be more. One possible explanation is that the school district provides no policy guidance to teachers on these issues. Without any clear written policy in this area, the school district would therefore allow teachers to just "fly blind" and sends the message "It's the wild west" within AISD and teachers can do whatever they want with these questions. That makes no sense. It would be a serious abandonment of the district's clear responsibility to provide management and oversight to all AISD teachers. So, I don't believe that's true. And if it was true, then when I sent my emails, why wouldn't the Superintendent and the Board simply tell me that we have no policy? Okay? So that first option doesn't make any sense on so many levels.

The second explanation (as I note at the top of page 3 of the same affidavit) – is based on my conversation with Dr. Hill and a later exchange of emails with trustee member John Hibbs.

And both of you suggested (you much more directly than Mr. Hibbs), basically that there was an unofficial unwritten policy, concealed from the public. Both you and Trustee Hibbs have made statements that strongly suggest that AISD's policy guidance to teachers was not shared with the public due to fear/concerns of a potential negative public reaction - if such a policy was fully disclosed to the public.

Jarvis: Which again, I take issue with. It makes sense that you don't want any controversy. But I think your position, not you personally, but everyone involved in the administration, including the Board - it's your job to be fully transparent. And as I said in a public AISD board meeting - "Have the courage of your convictions!" If you think it's right to have basically an "off book" unofficial unwritten secret policy, just tell us that. In the interest of full transparency and truthfulness - I think the Board should simply tell us something like this: "We (the Board) are not going to answer your questions because parents, taxpayers, and voters really don't have a right to know these answers. "We (the Board) are also concerned that if we are transparent with you, then this could create negative reaction by the public and potential harm to the students." In my view, Trustee Hibbs was never able to fully explain the basis of his concerns about public reaction to disclosed policy in these areas.

By the way, no one's disputed anything I'm saying in any of my affidavits, in every paragraph of every affidavit, I say, listen, if I've got anything wrong, if you think something is inaccurate, incomplete, misleading, tell me and I'll amend my affidavit. Or at least I'll consider it. But no one's ever disputed the accuracy of the facts included in my affidavits.

Page 3 of my 1-3-23 affidavit lists all the documents included as part of Mr. Perales' decision letter. In his Level One decision letter, Mr. Perales basically said (paraphrasing here) "Look, we have provided Mr. Jarvis with all the documents listed in my decision letter - so our production of these documents satisfies Jarvis' grievance". Well, again, I'm not asking for documents. As I discuss at the top page 4 of my affidavit, I've reviewed all the pages in all the documents that AISD produced to me. And again, number one, I'm not asking for documents - I want answers. And the documents that were given were completely nonresponsive to my questions. Code of conduct, they're all listed here on page 3 (of my 1-3-23 affidavit). Employment objectives, term contracts, employee welfare, employee standards of conduct. For example, no one at AISD has ever identified one or more documents produced and said - "Look here, on page 5 of such and such document, here is an answer to one of your questions, Mr. Jarvis."

Jarvis: So AISD was clearly being nonresponsive to my questions. It seemed like kind of a game to me. Jarvis wants answers to questions, but instead of giving him answers - let's flood him with documents that are not relevant. So, as I say in the end of paragraph 5 of the same affidavit -- it appears that AISD has made a collective decision to willfully conceal this information. In other words, AISD has decided to willfully conceal answers to these questions from both parents and taxpayers - which I'm deeply troubled by.

Jarvis: In paragraph 6 of the same affidavit, I refer to attorney Eichelbaum. Mr. Eichelbaum is one of the top school district attorneys and the named partner in the law firm hired by AISD to serve as the AISD Legal Office. Listen, I'll guarantee you that as I go through this grievance process - I'm learning a lot. Eichelbaum tells me that the Texas Public Information Act doesn't require the AISD Legal Office (who produces documents) to answer any questions. Attorney Eichelbaum is absolutely right. There is only one place I can go for answers to my questions - and that's to present questions to people like you (Dr. Hill), the Superintendent and/or the Board. But I am only getting radio silence, just crickets from you folks. You are my only option, since the document folks (AISD Legal Office), will not answer questions. By law, the legal office is only required to produce documents (not answer questions).

I don't know who actually wrote Mr. Perales's 12-13-22 decision letter, but I assume attorney Eichelbaum at least reviewed it. I know Mr. Perales signed the letter. On the signature page of Mr. Perales's decision letter, he said I have made 30 document requests since May 2022. I don't know what that means - how is that information relevant? Would it matter if I made 1, 30 or 100 (document requests)? I just wanted answers to my questions.

Jarvis: On page 5, paragraph 8 of the same 1-3-23 affidavit, I discuss some disturbing comments and false charges made against me. On the signature page of Mr. Perales's decision letter, the last two sentences of the paragraph (right before the "DECISION" section) contain false charges against me that were very troubling. Quite frankly, these false accusations just seemed to me like a "cheap shot". The troubling lines are (and I quote): "Even after being asked politely to stop, Grievant (Jarvis) repeatedly continued to circumvent the process and directly communicate with the board of trustees and superintendent. Failure to follow the grievance procedure can result in dismissal of your grievance." That statement (apparently authored by attorney Eichelbaum) has nothing to do with the substance or merit of any of my pending appeals. I am also deeply concerned that Mr. Perales agreed to include these false charges in his signed decision letter.

I agree that attorney Dennis Eichelbaum did tell me, "Don't do that - don't communicate with the superintendent and board of trustees". But attorney Eichelbaum's reckless and unwarranted prohibition against my contact with the AISD Superintendent and Board is directly contradicted by AISD's own Board Policy relating to Public Complaints/Grievances. Page one of AISD's own Grievance Board Policy states: "Even after initiating the formal complaint process (which would of course be the filing of a grievance), individuals are encouraged to seek informal resolution of their concerns." And that's all I was doing -- following AISD Board Policy, seeking informal resolution of my concerns sending emails to Dr. Hill, Superintendent Cavazos, and finally to the Board of Trustees. In paragraph 9 of the same 1-3-23 affidavit, I contacted attorney Eichelbaum and told him that he lacked the legal authority to prohibit me from contacting the Superintendent and the Board during the grievance process. When I first asked attorney Eichelbaum to provide legal authority to support his prohibition, he responded "I cannot give you legal advice." I'm an attorney. I know what legal advice is. But you don't have to be an attorney to know the difference

between giving legal advice and attorney Eichelbaum making a simple public statement, such as: "I have made a public statement accusing Grievant Jarvis of repeatedly circumventing the grievance process – and this is my legal authority supporting that accusation." Certainly, Mr. Eichelbaum knows the difference. His statement "I can't give you legal advice" was just a dodge because he clearly did not have any legal authority to support his false charges against me. I generally get along fine with attorney Eichelbaum - but I felt compelled to respond to his unwarranted and false charges attacking my integrity. Not surprisingly, Mr. Eichelbaum has never provided me with any legal authority to support his false accusations against me.

Hill: You have about 8 minutes.

Jarvis: Okay. Thank you. As I discuss in paragraphs 10 and 11 of my affidavit dated 1-3-23, it's just incredible to me that after Mr. Perales received my original Level One affidavit, Mr. Perales did not comment on or dispute my concerns about my conversations with you, Dr. Hill, my emails with Trustee Hibbs. Mr. Perales also chose not to comment on or discuss any of my allegations that AISD committed specific violations of Texas State law – discussed in detail in paragraph 10 of my affidavit. For whatever reason, I think Mr. Perales totally missed the mark as to the relevant issues in this grievance. In his decision letter, Mr. Perales in essence stated, "Look at all the documents we have given you, here, here, and here..." However, Mr. Perales did not acknowledge that the grievance was not based on a lack of production of documents, I asked for answers to my specific questions. The AISD Legal Office cannot answer questions, they can only produce documents. AISD has still not answered my questions. Knowing that answering questions was the central issue in this grievance, I simply cannot understand how Mr. Perales chose not to comment on or explain his failure to answer my questions. There is also no indication that Mr. Perales personally examined the documents provided to me to determine whether any of these documents answered any of my questions (as he claimed in his decision letter). It is noteworthy that Mr. Perales chose not include in his decision letter a simple explanatory statement like: "We didn't answer Mr. Jarvis's questions because A, B, C, D, whatever." Mr. Perales just blew right by that failure. Most importantly, Mr. Perales made no effort to explain and identify which specific documents answered my questions. That completes my presentation. I'll be glad to take any questions.

Hill: Okay. Thank you. If that does conclude your presentation, Mr. Jarvis, may you just summarize what relief you're seeking for the record if you will? I think you've done it, but I want to publish it.

Jarvis: Sure. I understand, and I appreciate the opportunity. This is really a very simple matter of this district being transparent and honest with the public, with me, with parents, and with taxpayers, about what policy guidance you provide to your teachers. We know you don't ignore that. AISD has an ongoing responsibility to provide guidance to teachers so that you don't have hundreds of different policies within AISD for a particular issue. If a girl, for instance, one of my questions is – "A girl walks in and says to her teacher, I think I'm a boy. What should I do?" AISD is not going to allow hundreds of different answers to that question.

And if a boy says, "I think I'm a girl and I want to use the girl's locker room or bathrooms, AISD does not want hundreds of different answers to that question, depending on which teacher you talk to. We know that AISD hires responsible teachers – and that you manage and supervise your teachers well. And so you provide communication and guidance to AISD teachers. Now, if that policy is concealed from the public - that shows a lack of trust in the people of Arlington, the voters who think have a right to know what you're doing. The public has a right to know and evaluate what your policy is in these sensitive areas. The public may evaluate AISD policies and say - I think that's reasonable, and I can support that. Or the public may evaluate AISD policies and say - this is just insanity. Voters and taxpayers may conclude that any AISD policy which "hides the ball from the public and taxpayers" makes no sense at all. If you're hiding the ball from the taxpayers – then those same taxpayers/voters cannot hold the AISD Board of Trustees responsible for any unwise policies unless we know what you're doing. It appears that AISD's refusal to answer my questions is part of a strategy of willful concealment of vital information that voters, taxpayers, and parents clearly need to know and have a right to know. So, the relief I'm seeking is honest answers to my questions.

Hill: Okay. I do appreciate that. Thank you. I've got the documents that you submitted at Level Two. Are these all the documents that you would like to be considered along with the record that you presented today?

Jarvis: I think that's it. And I think my understanding is that I would request a copy of the tape recording of this hearing through the AISD Legal Office.

Hill: Absolutely. Right. Yes. Okay.

Jarvis: Okay. That's it.

Hill: All right. Well, thank you. This will conclude Mr. David Jarvis's Level Two grievance conference. I will issue a decision within 10 days in accordance with board policy. I would like to thank each of you again for attending this conference and your assistance and your preparation, your professionalism. So, at this point, we will conclude the conference at 9:58 AM. Thank you.

[END]



March 29, 2023

Mr. David Jarvis
500 Dorcas Lane
Arlington, TX 76013

Re: Level III Grievance

Dear Mr. Jarvis:

Please allow this letter to confirm your rejection of the Level III Grievance Offer of Resolution in which you were told AISD would be happy to investigate any actual situations (as opposed to hypotheticals), and to explain to you the process used to address the situations (presuming you had authority from the family to such information). As we noted, depending on the specific circumstances a matter could be a bullying situation, a sex discrimination situation, a criminal matter, a matter for child protective services, it might involve a counselor, or contacting the parent, depending all on the actual facts, none of which your hypotheticals provide.

As I informed you during our meeting, without specific facts we cannot answer your hypothetical scenarios because all such situations are fact-driven, and without the nuances of a specific instance no answer can be provided as to how an employee would or should professionally handle the particular situation. I explained our guiding principle is our policy, and based upon the hypothetical questions you posed, the most likely policy would be the discrimination policy you were provided.

Thank you again for your efforts to reach an amicable resolution to your grievance.

Sincerely,

Dr. Marcelo Cavazos
Superintendent